

**ST. MARY'S COUNTY GOVERNMENT
DEPARTMENT OF LAND USE
AND GROWTH MANAGEMENT**

*Jessica S.B. Andritz, Esq., Director
Courtney Jenkins, AICP, Deputy Director*



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STAFF REPORT

Planning Commission Meeting of
November 13, 2023

Agenda Item #2

- **Reviewed in accordance with the St. Mary's County Comprehensive Zoning Ordinance #10-02**

ACTION REQUESTED: Review of a concept site plan for converting a dwelling into 2,238 sq. ft. daycare

I. DEVELOPMENT DATA

**CONCEPT SITE PLAN # CSP23-0178 Compass Point Montessori Day Care
(Zoning Ordinance 10-02) (Use Types #28, Day care, Non-Medical)**

OWNER: Mr. Kyle Bockey/Compass Point Montessori

AGENT: Soltez, Inc./Gregory Hosendorf

LOCATION: 22615 Point Lookout Road, Leonardtown, MD 20650

TM-049 GRID-17 PAR-030 TAX ID-026302

LAND USE: Rural Preservation

ZONING: Rural Preservation District, RPD

ACREAGE: 1.01

CZO 31.9 Purpose of the Rural Preservation District (RPD)

The regulations for the Rural Preservation Districts are intended to foster agricultural, forestry, mineral resource extraction and aquacultural uses and protect the land base necessary to support these activities. Low density residential development in this type of district is permitted subject to performance standards that maintain the rural character of the district in recognition of the fact that a full range of public facilities is not provided or planned. The farmer has the right to farm without being restricted by neighboring residential areas. Restricted hours of operation for farm equipment, restricted odor-producing fertilizers, or mandatory noise reduction may not be imposed on farmers in an RPD zoning district. The general intent of the district is to encourage farming without undue burden on the landowner. In accordance with these intentions, the following provisions for the protection of agricultural uses will apply:

1. Any farm use of land is permitted.
2. Operation, at any time, of machinery used in farm production or the primary processing of agricultural products is permitted.
3. Normal agricultural activities and operations in accordance with good husbandry practices, which do not cause bodily injury or directly endanger human health, are permitted and preferred activities, including activities that may produce normal agriculture related noise and odor.
4. The sale of farm products produced on the farm where the sales are made is permitted.

Comprehensive Plan Page 3-6

Rural Preservation District. Prime farm land, timber land and mineral resource lands, agriculturally related industries and limited nonfarm cottage industries, and low density nonfarm residential developments characteristic of the county's rural character which are to be preserved for a wide range of economic and aesthetic purposes. Acknowledges continued nonconforming commercial and residential activities on existing parcels throughout the district, but limit their expansion or creation (sending area for Transferred Development Rights)

CZO Article 5 Use Type 28: Day care, non-medical

Daycare facility licensed or approved by a governmental agency to provide non medical care for nine or more children or adults on less that 24-hour basis. Includes nursery schools, preschools and social adult daycare that provides a safe and supervised daytime program of meals, recreational activities and socialization for adults 18 years or over who require a safe controlled environment but who do not meet the need for health care services required by the Medical Adult Day Service Program.

II. PUBLIC HEARING NOTICE REQUIREMENTS (CZO 21.3):

The public notice for the Planning Commission Public Hearing was published in *Southern Maryland News* on October 27, 2023, and November 3, 2023. The property has been posted in accordance with CZO requirements, Section 21.3.3. Certified mail receipts have been received and have been entered into the record of this public hearing.

III. BACKGROUND INFORMATION:

- a. The Concept Site Plan was submitted for review by the TEC agencies on May 12, 2023.

IV. APPLICABLE REQUIREMENTS:

- a. St. Mary's County Comprehensive Plan. The land use for the subject property is Rural Preservation. A map showing the property and the land use designation is attached.
- b. St. Mary's Comprehensive Zoning Ordinance. The zoning for the subject property is Rural Preservation District (RPD). A map showing the property and the zoning designation is attached.
 - 1) Schedule 50.4: The use of Day care, non-medical (#28) is permitted in the RPD.
Section 51.3.28:
 - a. General Standards:
 - Site plan approval shall be required.
 - Facility shall be certified, permitted, or licensed by the State of Maryland.
 - Facility shall have fenced open space for the use and recreation of the individuals served by the facility. Facilities for children shall have fenced outdoor play areas and equipment for children of the age and number served by the facility.
- c. 60.6. Concept Site Plan
 - 1) For all **non-residential** and multi-family residential projects that require major site plan approval, a concept site plan shall first be approved by the Planning Commission before the major site plan may be processed for approval by the Planning Director.
 - 2) The applicant shall create a phasing plan if the project size exceeds the County Annual Growth Policy. **(Not applicable)**
 - 3) At a regularly scheduled meeting, the Planning Commission shall receive information regarding the concept site plan from the applicant and the TEC. In addition, the Planning Commission shall consider any information presented by the public.

- 4) In order to approve the concept plan, the Planning Commission shall make findings that the proposed development:
 - i. Is consistent with the Comprehensive Plan and applicable functional plans; the land use is Rural Preservation, and the zoning is Rural Preservation District, RPD.
To be determined by the Planning Commission
 - ii. May be served by adequate public facilities as required by Section 70.2.2.
To be determined by the Planning Commission
 - iii. Is consistent with the County Annual Growth Policy, including any required phasing plans;
Not Applicable
 - iv. Will promote the health, safety, and welfare of the general public;
To be determined by the Planning Commission
 - v. Adequately developed recreational and other community amenities are provided in accordance with the Comprehensive Plan and the Comprehensive Zoning Ordinance;
To be determined by the Planning Commission
 - vi. Is consistent with Chapter 62 design objectives.
To be determined by the Planning Commission.
The Planning Commission may need the applicant to explain the details of the proposed architecture to determine compliance with Chapter 62.
- d. Section 61.3.1 Lighting Standards: Not shown on the Concept Site Plan; will be addressed on the Major Site Plan.
- e. Section 62.3.1 Countywide Design Standards: Shown on the Concept Plan. Compliance to be determined by the Planning Commission as part of its review of section 60.6.4.vi.
- f. Section 63.2. Landscaping: Conceptual landscaping has been shown on the Concept Site Plan and must be approved by the Planning Commission.
- g. Section 63.3. Buffer Yard Requirements: “B” type Bufferyard is required on the south, east and west of the property (adjacent to residential).
- h. Section 64 Parking Requirements: The required parking for the proposed use type #28, Day Care, non medical, is 6 parking spaces. The use is proposing 6 spaces, 1 of which is ADA space.
- i. Section 71 Sensitive Area Analysis: Staff has determined that this site of 1.01 acres contains no sensitive areas that would be affected by the proposed development. However this site contains potential forest interior dwelling species habitat.

V. OUTSTANDING ISSUES:

- a. Section 63.3. Buffer Yard Requirements: “B” type Bufferyard is required on the south, east and west of the property (adjacent to residential). This property lacks an adequate width to support a 65’ “B” Bufferyard on the east and west side.

VI. MOTION: In the matter of CONCEPT SITE PLAN #CSP23-0178, Compass Point Montessori Day Care Development, having accepted the staff report and having made a finding that the objectives of Section 60.6 of the Comprehensive Zoning Ordinance have been / have not been met, and noting that the referenced project has / has not met all requirements for concept approval, I move that the concept site plan be DENIED / APPROVED WITH THE FOLLOWING CONDITIONS:

- a. Any road improvement (s) required by the state and county must be concurrent with the issuance of Certificate of Occupancy.
- b. A variance must be obtained to reduce or remove the requirement for the “B” type bufferyard by the Zoning Board of Appeals.

VII. FINAL APPROVAL:

Following approval of the concept site plan, a final site plan must be prepared and approved by the TEC agencies and Director of the Department of Land Use and Growth Management (CZO 60.6. 1. f. 6). Approval of a final site plan by the Director shall be based on a determination that adequate public facilities, as defined in Sections 70.7 through 70.12, will be available to serve the existing development. Prior to signature approval of any site plan approved by the Planning Director, all necessary legal arrangements and financial guarantees required under this chapter shall be executed (CZO 70.2.2).

VIII. EXPIRATION:

An approved **concept site plan** shall expire two years after the date of such approval unless final site plan approval has been obtained. Final approval of a major or minor site plan submitted under the provisions of this chapter shall expire one year after the date of such approval unless building permits have been obtained for construction in accordance therewith (CZO 60.9.1). A single one-year extension may be given by the Director upon written request by the applicant to be made within 30 days before the expiration of the **approved concept site plan** or final site plan. The Planning Director shall act on the request within 15 days of receipt of the request (CZO 60.9.2).

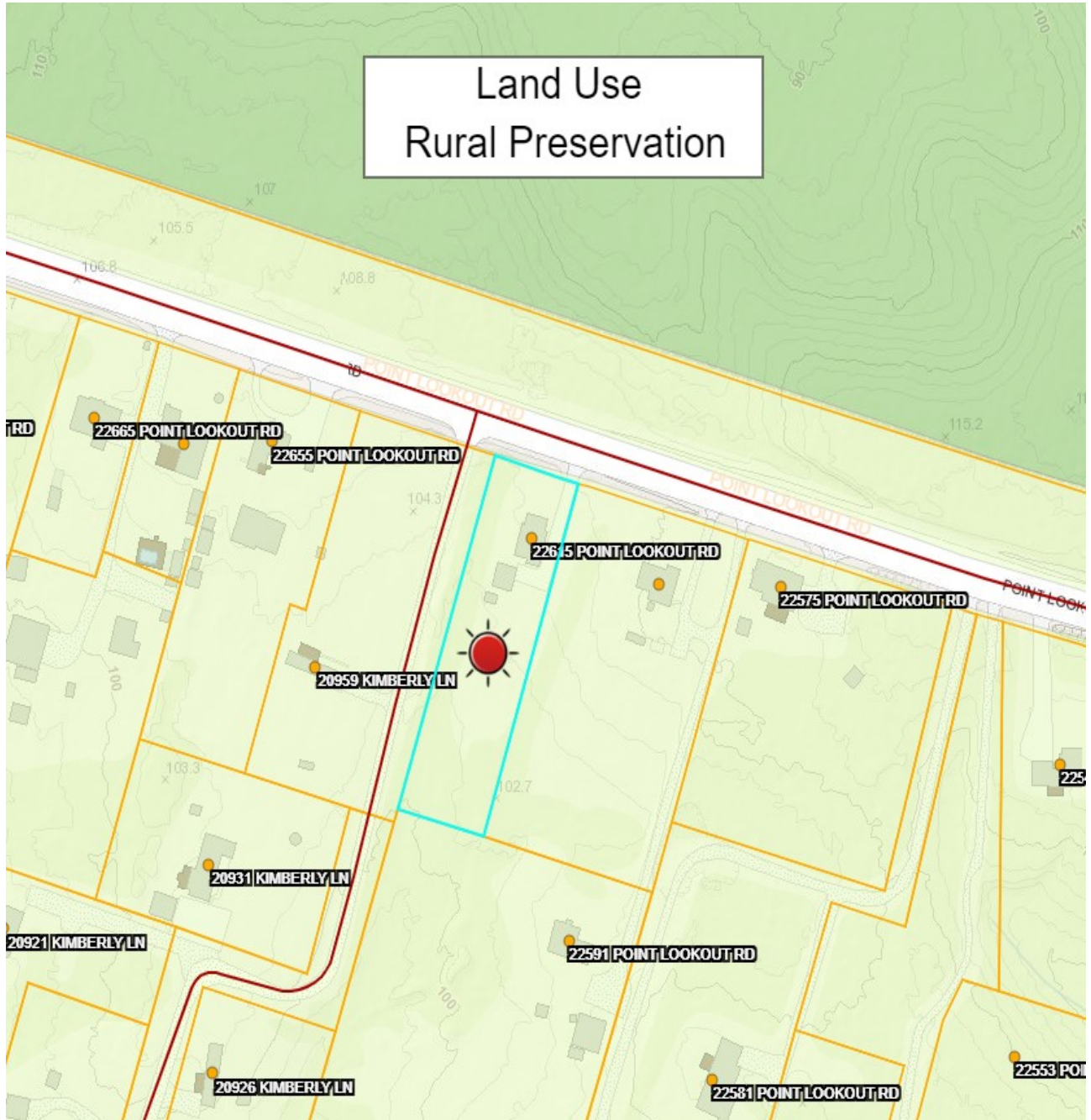
Signed: *Sianli Blasco*

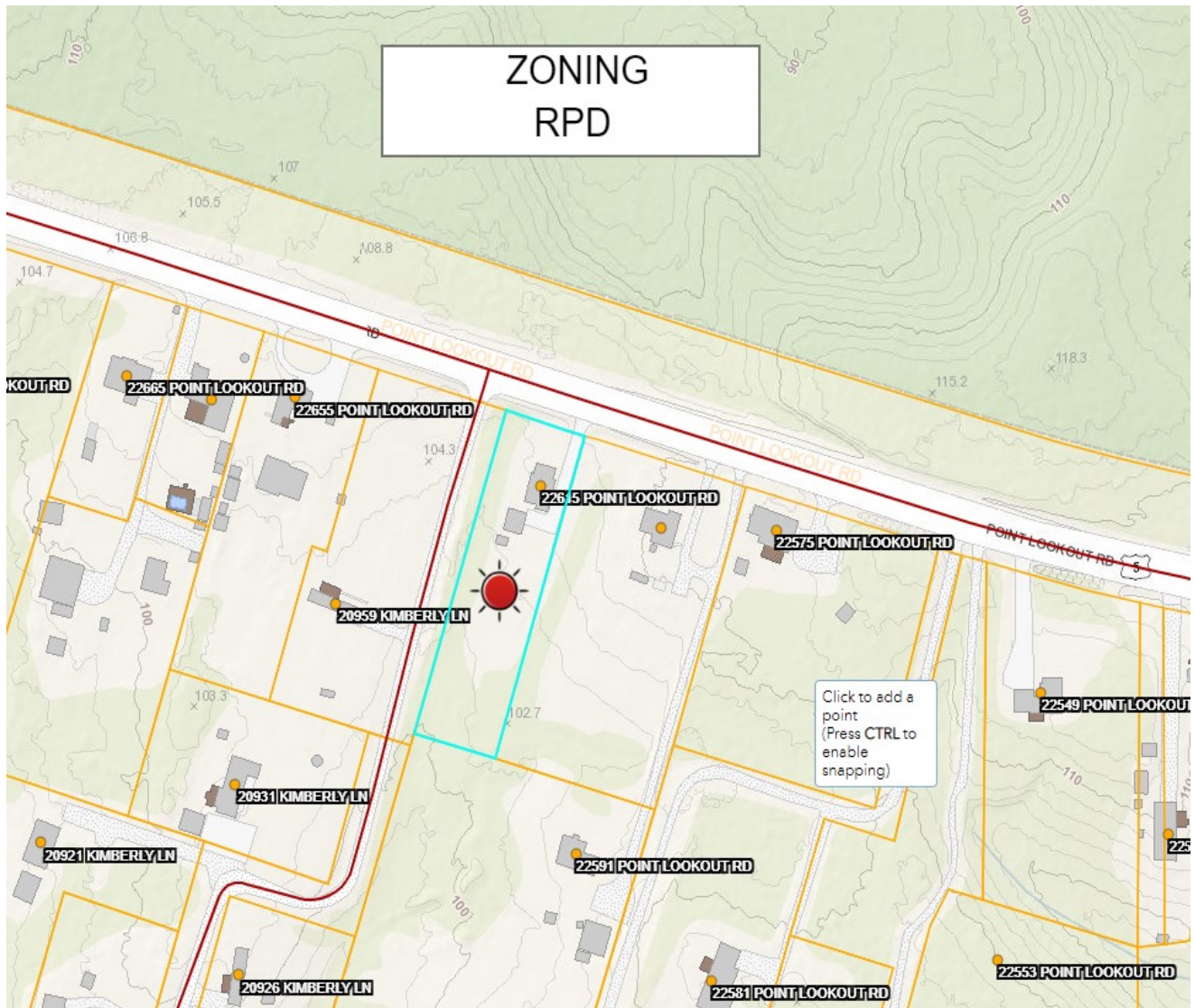
Sianli Blasco, Planner III
October 18, 2023

ATTACHMENTS: **Attachment 1 – Location Map**
 Attachment 2 – Land Use Map
 Attachment 3 – Zoning Map
 Attachment 4 – Site Plan
 Attachment 5 – Color Renderings
 Attachment 6 – Department of Public Works and Transportation Approval
 Attachment 7 – State Highway Administration Concept SP No Objection
 Attachment 8 – Metropolitan Commission Approval
 Attachment 9 – Health Department Approval
 Attachment 10 – St. Mary’s Soil Conservation District Approval

cc: Soltesz, Inc
 Gregory Hosendorf
 ghosendorf@solteszco.com







ST. MARY'S COUNTY GOVERNMENT
DEPARTMENT OF
PUBLIC WORKS & TRANSPORTATION

James M. Gotsch, P.E.
Director



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Scott R. Ostrow, Commissioner

MEMORANDUM

DATE: July 17, 2023
TO: Brandy Glenn, **Planner IV**, Department of Land Use & Growth Management
FROM: Jesse Harper, **Engineer III**, Department of Public Works & Transportation
SUBJECT: **CSP23-0178 Compass Point Montessori Approval 5k Exempt**
Agent: Soltesz, Inc. c/o Gregory Hosendorf, P.E.
Owner: Kyle Bockey

This Department has reviewed the Concept Site Plan submitted on July 11, 2023, for the above referenced project. We have determined that the plan as submitted meets the requirements of this Department for **APPROVAL**.

This plan has proposed improvements of 1,540 square feet; therefore, the land disturbance for the construction of the improvement and this activity will generate a cumulative soil disturbance of less than 5,000 square feet of area, so this activity would be exempt from the stormwater management requirements per the St. Mary's County Stormwater Management, Grading, Erosion and Sediment Control Ordinance Article 3.3.1.c.

It's anticipated that the earthwork will be less than a cumulative 1,000 cubic yards, therefore, a grading permit is not required for this construction activity according to the provisions set forth in the St. Mary's County Stormwater Management, Grading, Erosion and Sediment Control Ordinance, Article 4.5.3.d.2.

If the proposed site improvements change or other non-permitted cumulative soil disturbance over 5,000 sf and/or impervious surfaces created on the property which circumvents the regulations, then stormwater management requirement may be applicable.

If you have any questions upon receipt of this approval, please do not hesitate to contact this Department.


Jesse Harper, Engineer III
Jesse.Harper@stmarysmd.com

S:\JHarper\Plan Review\CSP23-0178 Compass Point Montessori\CSP23-0178 Compass Point Montessori Approval 5k exempt.doc

From: Pradip Patel (D5 SHA) <PPatel10@mdot.maryland.gov>
Sent: Tuesday, May 16, 2023 6:45 AM
To: Brandy Glenn
Cc: Jonathan Makhoulf; Jessica Burch
Subject: RE: CSP23-0178 Compass Point Montessori Concept Site Plan: SHA Review

CAUTION: This email originated from OUTSIDE of St. Mary's County Government! Do not click links, open attachments or reply, unless you recognize the sender's Email Address and know the content is safe!

Good morning Ms. Glen:

Thank you for the opportunity to review a pdf copy of a concept site plan submission on the referenced project. Upon review of its offer the followings:

- The proposed residential minor modification site (1.01 acres) is located at 22615 Point Lookout Road, Leonardtown in St. Mary's County. Proposing to add grass pavers for 6-parking spaces on back side of the residential house and no change in the existing access from MD 5, Point Lookout Road.
- The proposed residential modification will not have any impact to the MDOT SHA MD 5 right-of-way. The MDOT SHA has no objection.

Any additional work that may result i.e., offsite mitigation or State ROW improvements will require an SHA District 5 Access Permit.

Please submit the plans and supporting documentation in PDF format using the Access Management Electronic Plans Submittal system. The system can be accessed at www.roads.maryland.gov by selecting the Business Center drop down menu and Permits and Miss Utility Information, and click the link stating, "Click here for Electronic plans Submittal Link".

If you have any questions, feel free to contact Mr. Jonathan Makhoulf at 410-841-1084 or email jmakhoulf2@mdot.maryland.gov.

Thank you,

Pradip Patel

From: Brandy Glenn <Brandy.Glenn@stmaryscountymd.gov>
Sent: Friday, May 12, 2023 1:58 PM
To: Addressing <addressing@stmaryscountymd.gov>; Alec Young <alec.young1@navy.mil>; Andrew King <andrewking@washgas.com>; Anna Wells (<awells@metcom.org> <awells@metcom.org>; Christina Bishop <Christina.Bishop@stmaryscountymd.gov>; Christy Hollander <mhollander@metcom.org>; Donna Sasscer <Donna.Sasscer@stmaryscountymd.gov>; Jonathan Makhoulf <JMakhoulf2@mdot.maryland.gov>; Joseph Guyther <joseph.guyther@att.net>; Keith Ulrich <Keith.Ulrich@smeco.coop>; Lauren Gedridge <lgedridge@metcom.org>; Lisa Ledman <Lisa.Ledman@stmaryscountymd.gov>; Lori Byrne <lori.byrne@maryland.gov>; Mary Hayden Board of Education <mehayden@smcps.org>; Pradip Patel (D5 SHA) <PPatel10@mdot.maryland.gov>;

sara.albrecht@maryland.gov

Cc: Jessica Burch <Jessica.Burch@stmaryscountymd.gov>

Subject: CSP23-0178 Compass Point Montessori Concept Site Plan

Good afternoon,

Please see the attached application and concept site plan for your review.

Brandy Glenn

Planner IV

Department of Land Use
and Growth Management

301-475-4200 ext. 71524

Brandy.glenn@stmaryscountymd.gov

[Customer Satisfaction Survey](#)



St. Mary's County Metropolitan Commission

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TEC AGENCY CONCEPT APPROVAL TRANSMITTAL

TO: Department of Land Use and Growth Management

FROM: St. Mary's County Metropolitan Commission

RE: CSP23-0178 Compass Point Montessori Daycare – 22615 Point Lookout Road
Control Number and Project Name

DATE: May 18, 2023

The above-referenced project satisfactorily addresses the TEC requirements for concept only and is ready for approval for the Planning Commission, if necessary.

YES ☒

NO ☐

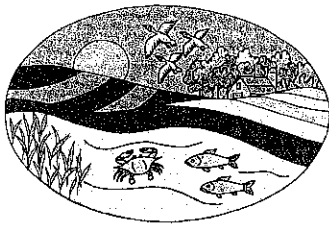
1. Public water and sewer are currently not available, or planned, for the location of this site.
On-site systems are acceptable.

SIGNATURE: _____

Anna Wells

Anna Wells, P.E., MetCom Assistant Engineer





St. Mary's Soil Conservation District

26737 RADIO STATION WAY, SUITE B

LEONARDTOWN, MD 20650

PHONE 301-475-8402 EXT. 3

WWW.STMARYSSCD.COM

MEMO

To: Brandy Glenn, LUGM

From: Jane R. Sanders, St. Mary's Soil Conservation District

Subject: Development Review Application Comments

Date: May 15, 2023

Pursuant to the provisions of St. Mary's County Development Ordinances, the following comments are offered for consideration in review of the project titled: Compass Point Montessori Change of Use, zoning number #CSP 23-0178.

This submission circulated for review May 15, 2023 meets the requirements for **final approval** by this agency as submitted.

YES ☒ NO ☐

Additions and corrections required or recommended by this agency prior to final approval are as follows:

Proposed soil disturbance is less than 5,000 square feet/100 cubic yards of cut and fill therefore an exemption can be granted.

Jane R. Sanders, Erosion and Sediment Control Specialist